

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 55 Technical Corrections

**ADOPTED RULE NUMBER:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**CONCISE SUMMARY:**  
This regulation makes technical corrections to Chapter 55. It corrects an inaccurate reference under 55.06. It deletes existing lobster trawl limits that are currently in Chapter 55 so that they are moved into Chapter 25, so that all lobster trawl limits are now located in the same chapter. It reinstates language regarding fishing in the Sheepscot River, Lincoln County, which had been moved into Chapter 32.

**EFFECTIVE DATE:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
**AGENCY NAME:** Department of Marine Resources  
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*Please approve bottom portion of this form and assign appropriate MFASIS number.*

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
<i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i>					
010	13A	1120	10		4946 regulations

DEPARTMENT OF MARINE RESOURCES

CHAPTER 55 - GEAR RESTRICTIONS

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- 55.04 Maine Gillnet Bait Fishing Regulations
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DEPARTMENT OF MARINE RESOURCES

Chapter 55 - Gear Restrictions

55.06 Fish Passage Regulations

1. Any net or trap set in any tidal river, brook, stream or other watercourse must:
  - A. not occupy more than two-thirds (2/3) of the watercourse measured at any time of tide;
  - B. not exceed 30 feet in length, as measured from the opening of the net to the terminal portion of the end of the net;
  - C. not be located within 50 feet of any part of another net or trap;
  - D. not have a mesh size less than 1/8" diamond or square stretch mesh or greater than one inch;
  - E. be tended and the contents removed at least once every 24 hours; and
  - F. be clearly marked by a floating buoy or surface marker with the owner's commercial fishing or Commercial Pelagic and Anadromous Fishing license number and telephone number.
2. Exceptions:
  - A. The holder of a Commercial Pelagic and Anadromous Fishing License, fishing in accordance with the bait gillnet regulations in Chapter 55.04, may use a net exceeding 30 feet in length and a mesh size of less than 3.5 inches diamond or square stretch mesh in accordance with Chapters 55.04(B) and 34.10(1)(A)(2)(b), provided that all the other gear restrictions in Chapter 55.06(A)(1) are met.
  - B. Persons fishing in accordance with river herring fishing rights granted pursuant to 12 M.R.S. §6131 are not subject to the gear limitations of Chapter 55.06(A)(1).
  - C. Persons issued an elver license in accordance with 12 M.R.S. §6505-A and fishing in accordance with applicable elver fishing laws and regulations are not subject to the gear limitations of Chapter 55.06(A)(1).
  - D. Persons issued an aquaculture lease pursuant to 12 M.R.S. §6072 or §6072-A, a limited-purpose aquaculture (LPA) license pursuant to 12 M.R.S. §6072-C are not subject to the gear limitations of Chapter 55.06(A)(1).
  - E. Persons engaged in the traditional stop seine fishery for Atlantic Sea Herring are not subject to the gear limitations of Chapter 55.06(A)(1).

55.30 Fishing in the Sheepscot River, Lincoln County

It shall be unlawful to use any type of net or seine in the Sheepscot River and its tributaries between the Wiscasset-North Edgecomb Bridge and the so-called Headtide Dam at Alna.

Exceptions:

1. The fishing of lamprey eels within these waters shall be under the direction of the Commissioner of Marine Resources who may issue permits to take lamprey eels at places and by means designated by him or her.
2. This section does not apply to the taking of river herring under any other law or regulation.
3. Elver fyke or dip nets may be fished in the Sheepscot River for the harvest of elvers only. Persons issued an elver license in accordance with 12 M.R.S. §6505-A or §6302-A and who fish in accordance with current elver laws and regulations are not in violation of this regulation.

~~55.31 Prohibition of Lobster Trawl Strings in Linakin Bay~~

~~It shall be unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy #N"Z"; thence southeasterly to a black navigational buoy #C"1"; thence easterly to the northern tip of Negro Island; thence true east to Linekin Neck, Boothbay.~~

55.32 — Trawl String Limitations in the Sheepscot Bay and Sequin Island Area

~~It shall be unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.~~

**Basis Statement**

This regulation makes technical corrections to Chapter 55. It corrects an inaccurate reference under 55.06. It deletes existing lobster trawl limits that are currently in Chapter 55 so that they are moved into Chapter 25, so that all lobster trawl limits are now located in the same chapter. It reinstates language regarding fishing in the Sheepscot River, Lincoln County, which had been moved into Chapter 32.

## Summary of Comments

Notice of this proposed rulemaking appeared on September 20, 2017 in the five major daily newspapers as published by the Secretary of State. On September 20, 2017, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held on October 12, 2017 at 5:30pm at the Department of Marine Resources in Augusta. The comment period closed October 23, 2017.

### Public Hearing

DMR-Augusta, 32 Blossom Lane

October 12, 2017

5:30pm

No members of the public attended the hearing. The Department was represented by Amanda Ellis.

No written comments were submitted.

# Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573;  
web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 55 Technical Corrections

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

October 12, 2017, 5:30 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME

COMMENT DEADLINE: **10/23/2017**

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

To make technical corrections for greater clarity of the regulations within Chapter 55.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ **X** NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

These rule changes would not change any existing requirements except that a new exemption is created in order to allow a lobster and crab fishing license holder to have up to 5 gallons of crab claws detached at sea.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Input from Maine Marine Patrol

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of this rule will not require additional activity in this agency.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

*ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:*

[see §8057-A(2)(A)]

*INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:* [see §8057-A(2)(B)]

*BENEFITS OF THE RULE:* [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used*